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From: Turley, Jennifer

Sent: Wed 3/30/2016 3:20:18 PM

Subject: Solid Waste & Emergency Response Law News for March 30, 2016



Solid Waste & Emergency Response Law News for March 30, 2016

Bloomberg BNA Daily Environment Report™

NEWS

EPA

Purchase Card Program at EPA Deemed 'Low Risk'

Efforts to implement internal controls of the purchase card program at the Environmental Protection Agency have been successful, and it is now "at a low risk for illegal, improper or erroneous purchases and payments," according...

Solid Waste

WhatsApp-Wielding Vigilantes Want Trash Off India's Streets

If you were a pile of garbage on the street in India, here's what might happen to you now: A concerned citizen takes your picture, then sends it by WhatsApp to the smartphone of the garbage police. Khaki-clad cops jump in their vehicles,...

Superfund

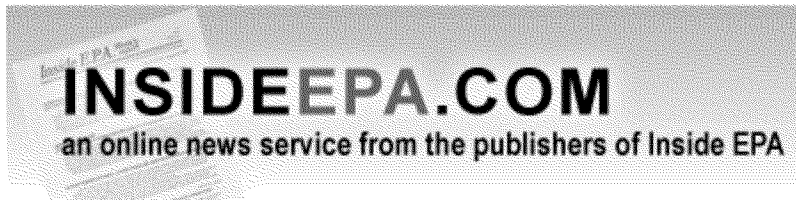
Ninth Circuit Set to Hear Novel Superfund Appeal

The Superfund law, treaties and predictions of limitless liability are likely to animate oral arguments before the U.S. Court of Appeals for the Ninth Circuit April 6 (Pakootas v. Teck Cominco Metals, Ltd., 9th Cir., No. 15-35228, 3/26/15)....

Superfund

Union Pacific Allowed Final Judgment on Superfund Claims

Union Pacific Railroad Co. won't have to wait for Superfund litigation against other defendants to get a final judgment that claims lodged by Asarco LLC are time-barred, the U.S. District Court for the Eastern District of Missouri ruled...



Inside EPA's **Environmental Policy Alert**, 03/30/2016

<http://insideepa.com/newsletters/environmental-policy-report>

Latest News

EPA Waste Chief Signals Major Changes To Facility Security Plan Unlikely

EPA waste chief Mathy Stanislaus is offering a strong defense of the agency's recently proposed rule to overhaul its risk management plan (RMP) facility accident prevention program, suggesting that EPA is unlikely to adopt major changes to the rule that advocates, industry groups and others called for at a March 29 public hearing.

Industry, DOD Press EPA To Extend NPL Scoring Rule Comment Period

Energy utilities and the Defense Department (DOD) are asking EPA to double the length of the public

comment period for a proposed rule that would add subsurface intrusion (Ssl) as a criterion for scoring contaminated sites for placement on Superfund's National Priorities List (NPL), saying they need adequate time to respond to complex technical issues related to the proposal as it may have a substantial impact on their facilities.

Greenwire

CAPITOL:

Man charged in visitor center shooting has troubled past

George Cahlink, E&E reporter

Published: Tuesday, March 29, 2016

A Tennessee man with a troubled history who was shot by police as he sought to enter the Capitol Visitor Center with a raised weapon yesterday is facing multiple criminal charges in the incident that led to a lockdown of Capitol Hill.

Capitol Police confirmed that Larry Dawson, 66, of Antioch, Tenn., has been charged with assault with a deadly weapon and assault on a police officer while armed.

Dawson is due to appear in the District of Columbia Superior Court once he is released from MedStar Washington Hospital Center, where he's in critical but stable condition, police said.

No police officers were injured in the incident. It is not yet clear whether more than one officer fired shots.

A woman between the ages of 35 and 45 who happened to be nearby was also treated for minor injuries at the George Washington University Hospital and released.

"The heroic and quick actions of the officers involved in this incident are to be highly commended," said Capitol Police Chief Matthew Verderosa. "They performed their jobs flawlessly, and I am thankful to have these officers as members of the USCP protecting our nation's greatest symbol of democracy."

A troubled past

Dawson has a troubled past that includes an arrest in October over accusations of disorderly conduct and assaulting a Capitol Police officer after he shouted from the House gallery that he was a "true prophet of God."

Dawson failed to appear in court on those charges, and a bench warrant was issued for his arrest in November. He wrote the court in January saying he would not appear and would ignore an order to stay off Capitol grounds.

Dawson wrote in the letter he was governed only by the "Divine Love of God."

He has served as pastor of St. Luke's Community Church in Antioch, which does not appear to be affiliated with any denomination. It also shares the same address as Dawson's home, and its website seeks donations to build a church.

The website also notes that Dawson has visited Washington, D.C., three times as part of a "movement" to push for an increase in the minimum wage. It's not clear when those visits occurred or whether he visited the Capitol on those occasions.

According to *The Tennessean* newspaper, Dawson has had legal troubles for decades. He filed for bankruptcy and between 2000 and 2012 faced more than a dozen tax liens.

Dawson was licensed as a funeral home director in Tennessee after leaving the Army in 1972. But his license expired in 2004, and the state declined to renew it several times due to incidents involving minor girls when he served as a part-time school bus driver.

Dawson faced harassment charges over writing letters to the girls that suggested he was a prophet of God and that they were chosen to marry him and bear his children. Most of the charges were dropped as he was found "not guilty by reason of insanity," and he was ordered to stay away from the girls.

Timeline

Police offered a timeline of the shooting that occurred at 2:39 p.m. when Dawson pointed a weapon at officers in a screening area at the Capitol Visitors Center. At least one officer responded by firing at Dawson, who was struck in both his chest and leg, according to media reports.

The Capitol Police have not yet identified Dawson's weapon, but local television stations in Tennessee reported it was a BB or pellet gun.

"The USCP considers this to be an act of a single person who has frequented the Capitol grounds in the past, and there is no reason to believe that this incident is anything more than a criminal act," Verderosa said.

Dawson's pickup truck was towed away from a Capitol parking lot yesterday as part of the ongoing investigation.

The visitor center reopened this morning, while the broader Capitol lockdown lasted only about one hour.

SUPREME COURT:

Democrats could force confirmation vote before Memorial Day

Hannah Hess, E&E reporter

Published: Tuesday, March 29, 2016

Senate Judiciary Committee Democrats have drawn up a timeline for the chamber's Republican leadership to "reconsider" their position on President Obama's Supreme Court nominee and hold a confirmation vote before Memorial Day.

The nine Democrats sent Majority Leader Mitch McConnell (R-Ky.) and Judiciary Chairman Chuck Grassley (R-Iowa) a plan for taking up the nomination of federal appeals court Judge Merrick Garland.

The Democrats suggested a Judiciary hearing starting April 27, a committee vote May 12 and a Senate floor vote May 25. Their letter said the framework represents the average confirmation schedule for nominees to the high court since 1975.

"Our constitutional role in providing advice and consent on the President's nominees is no different in our first year or sixth year as Senators. And it is no different in an election year," they wrote.

Grassley told crowds in Iowa yesterday that he was standing firm against moving forward with Garland because of the upcoming elections. But he predicted Senate Democrats would likely try a procedural maneuver to move the nomination out of committee and onto the floor.

Grassley also sought to clarify that he came to his decision separately from McConnell, *The Des Moines Register* reported. Grassley said he did not talk to the Kentucky Republican until five days after Supreme Court Justice Antonin Scalia's Feb. 13 death.

The new letter comes as Garland continues meeting with Senate Democrats this week, including Sens. Ben Cardin of Maryland and Joe Donnelly of Indiana.

Vermont Sen. Patrick Leahy, the top Democrat on the Judiciary Committee and the first senator to meet with Garland, has suggested that if senators spent more time on Capitol Hill, they could stick to precedent and move through the confirmation process in "about 60 days" (*E&E Daily*, March 18).

This afternoon, Illinois Sen. Mark Kirk becomes the first elected Republican to meet with Garland since Obama nominated him to the bench. Kirk, who is facing a tough re-election challenge this November, has said senators should "just man up and cast a vote" on Garland (*E&ENews PM*, March 18).

Back home, a coalition of diverse organizations and individuals called Courts Matter Illinois plans to hold a news conference Thursday to thank Kirk for supporting consideration of Obama's nominee. The group, which includes an organizer from Sierra Club Illinois, will rally at a Planned Parenthood site in Chicago.

EPA:

Agency purchase card spending at 'low risk' for fraud -- IG

Kevin Bogardus, E&E reporter

Published: Tuesday, March 29, 2016

U.S. EPA's internal watchdog found the agency has kept track of its credit cards.

In a report released today, the EPA inspector general said the agency has strengthened its oversight of its purchase cards and convenience checks. Further, the watchdog found no improper spending in analyzing the first three quarters of fiscal 2015's purchase card transactions, and a sampling of such transactions was deemed to be within the cardholders' authority.

"We assessed the EPA's fiscal year (FY) 2015 purchase card program to be at low risk for illegal, improper or erroneous purchases and payments," said the report, which was signed by Inspector General Arthur Elkins.

EPA was able to keep a handle on millions of dollars in spending, according to the IG. The agency watchdog found that during that first nine months of fiscal 2015, EPA had spent more than \$16.3 million in purchase card and convenience check transactions.

The IG declined to make any recommendations to improve EPA's purchase card and convenience check program since the watchdog found it to be at low risk.

The inspector general has uncovered problems in the past with EPA's purchase card program. In a March 2014 report, the watchdog found that agency employees had improperly used the cards to buy gym memberships and book hotel rooms ([Greenwire](#), March 6, 2014).

DOE:

Admin renews controversial cleanup contract

Hannah Hess, E&E reporter

Published: Tuesday, March 29, 2016

The Department of Energy today announced it has extended its contract with Fluor-BWXT Portsmouth LLC for cleanup activities at the former uranium enrichment plant near Piketon, Ohio.

The initial five-year contract for decontamination and decommissioning work hit its expiration date yesterday. DOE and Fluor Corp., which has received government-owned uranium to help fund the cleanup, agreed to extend the contract for 30 months at a value of approximately \$750 million.

"In its determination, the Department found that the option execution is the government's most cost-effective and advantageous alternative by allowing for continued uninterrupted services as well as continuing momentum on important projects such as waste management and deactivation of key plant facilities in preparation for demolition," the department said.

Extending the contract also provides continuity of operations and supports workforce stability in the job-hungry region "and provides incentives and other provisions to ensure accountability for excellent performance," according to DOE's Office of Environmental Management.

But the cleanup effort has raised concern on Capitol Hill. First, uranium companies and allies have expressed concern about the release of government-owned material hurting mining efforts ([Greenwire](#), April 22, 2015).

Last year, Republican Sen. John Barrasso, from the top uranium mining state of Wyoming, threatened to withhold support for a top DOE nominee over transactions between Fluor Corp. and Traxys Group, a uranium dealer that works with recipients of the government-owned material ([E&E Daily](#), Nov. 18, 2015).

Christopher King, principal deputy assistant secretary in DOE's Office of Congressional and Intergovernmental Affairs, told Barrasso in a [letter](#) that the department "neither approves nor disapproves the means of disposition" the contractor chooses for the uranium it receives.

Lawmakers have also accused the White House of risking cleanup jobs because of its proposed funding plan. Lawmakers recently grilled DOE Assistant Secretary Monica Regalbuto, who heads the environmental management office, about paying for cleanups in fiscal 2017 with \$674 million in mandatory spending from an old fund tied to the once-government-owned U.S. Enrichment Corp. ([E&E Daily](#), March 16).

Appropriators called the plan, which relies in part on reviving a multibillion-dollar decommissioning and decontamination tax, "irresponsible."

Fluor and DOE did not respond to requests for comment for this story in time for publication.

CALIFORNIA:

Blood lead data should be used in Exide cleanup, experts say

Published: Tuesday, March 29, 2016

California is not using data from blood tests showing high levels of lead in children living near a closed Los Angeles area battery plant to direct its cleanup of the area.

The test results could be used to target neighborhoods that require the quickest cleanup, according to health experts. The Exide Technologies recycling facility in Vernon, Calif., emitted lead for decades before being closed as part of a settlement with federal prosecutors (*Greenwire*, March 12, 2015).

"Officials should rely on blood lead data and soil lead levels to identify hot spots and target cleanup," said Bruce Lanphear, a public health physician and health sciences professor at Simon Fraser University. "Otherwise, they will be shooting in the dark."

Blood testing maps have been used in Flint, Mich., to pinpoint areas hit hardest during the city's lead-contaminated drinking water crisis, but California's Department of Toxic Substances Control has been unable to obtain lead level records from state and local health agencies (Barboza/Poston, *Los Angeles Times*, March 26). -- BTP

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